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REMARKS

In the above-referenced Office Action, claims 1-21, all of which remain present in this application, were finally rejected. Applicant has amended independent claims 1, 8 and 15 for clarification and to put them in better form for consideration on appeal. Claims 1, 3-8, 10-15 and 17-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,401,079 (hereinafter Kahn); and claims 2, 9 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kahn in view of U.S. Patent No. 5,737,592 (hereinafter Nguyen). For the reasons further set forth below, Applicant respectfully submits that claims 1-21, as amended, are allowable.

Applicant again believes that a brief review of Applicant's claimed subject matter may help to further this case to allowance and invite the Examiner to visit Applicant's website at www.compensationanalyst.com. As is disclosed in Applicant's Specification, a computer system programmed according to Applicant's claimed subject matter is particularly useful in determining whether employees with a desired employee attribute are adequately compensated, as compared to employees in other non-related companies. Applicant's Specification (see, for example, p. 4, ln. 23) defines an employee attribute as "skills and responsibilities" possessed by a given employee. With reference to Applicant's Specification (p. 7, lns. 2-5), utilizing such a computer system allows progressive companies to respond to compensation increases in a job marketplace, thus, allowing a company to retain key personnel and allowing the company to fill key positions. With reference again to Applicant's Specification (p. 9, lns. 21-23), "[i]f a subscriber was interested in employee compensation data for a computer programmer, the subscriber might enter, 'programmer, C, Visual Basic' in the 'skills and responsibilities' category of the query form."

With respect to the rejection of claims 1, 3-8, 10-15 and 17-21 under 35 U.S.C. §102(e), Applicant again respectfully submits that in order for a rejection under 102(e) to be proper, each and every claimed feature must be disclosed in a single reference. At the outset, again Applicant notes that Kahn is generally directed to a computerized system that ensures compliance with a wide variety of tax-related and employee-related rules across federal, state and local jurisdictions, relating to, for example, overtime pay, benefits limits, payment frequency and scheduled

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reporting requirements. Applicant additionally notes that Kahn is directed to a processing tool that a single employer utilizes to process the single employer's payroll for the single employer's employees. In contrast, Applicant's claimed subject matter is directed toward a system/method that provides comparison of employee data between non-related employers. Further, while Kahn discloses storing certain employee data, Kahn does not teach correlating employee data to a plurality of employee attributes (as is defined by Applicant's claims). In addition, Kahn does not teach receiving a query, which includes at least one desired employee attribute (as is defined by Applicant's claims), from a specific subscriber (as is defined by Applicant's claims) and compiling a report, which provides associated employee data for employees that have the at least one desired employee attribute.

Applicant again specifically notes that Kahn, col. 11, lns. 45-49, states that system features and functionality are directed toward software that performs calculations, rule applications, disbursements, electronic fund transfers, and report generation related to the administration and processing of a single employers' payrolls and benefit plans. While the Kahn system may generate reports, it does not generate a report that provides associated employee data for employees that have the at least one desired employee attribute (as is defined by Applicant's claims) that is received in a query from a specific subscriber.

With respect to Kahn, col. 11, ln. 59 through col. 12, ln. 10, Applicant again submits that while an individual employee may have a number of defining descriptors, such as a name, employee number, social security number, date of birth, etc., these descriptors are specific to a given employee and are not correlated to a plurality of employee attributes (as is defined by Applicant's claims) that are utilized to compile a report that provides associated employee data for employees that have the at least one desired employee attribute so as to facilitate automated comparison of employee data between a plurality of subscribers.

With specific reference to independent claims 1, 8 and 15, Applicant submits that Kahn (col. 11, ln. 59 through col. 12, ln. 10) merely discloses storing employee data for a number of employees in a database, such as an employee name, employee number, employee social security number, employee date of birth, etc. Applicant notes that this employee data is not an employee attribute, as defined in Applicant's claims. As above, Applicant's Specification (see p. 4) defines

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an employee attribute as "skills and responsibilities" possessed by a given employee. With reference to Applicant's Specification (p. 9, lns. 21-23), one or more employee attributes are input into a "skills and responsibility" category (see Table 1).

With respect to Kahn, col. 14, lns. 20-67, Applicant again respectfully submits that this passage merely discloses that executable optimized SQL statements and data tables may be saved as "stored procedures." This is apparently done to facilitate the modification of rules and calculations by manipulation of data tables, without requiring modification of the SQL statements that are included within the "stored procedures." This does not teach receiving a query, which includes the at least one desired employee attribute, from a specific subscriber. Further, with respect to Kahn, col. 30, lns. 42-67, inputting information into an Accrual Rate Wizard, such that a specific employee's paid time off can be calculated, also does not teach receiving a query that includes at least one desired employee attribute from a specific subscriber.

With respect to Kahn, col. 6, lns. 8-22, automatically generating reports to tax authorities is irrelevant to compiling a report from a database in response to a query that includes at least one desired employee attribute, wherein the report provides associated employee data for employees that have the at least one desired employee attribute. With respect to Kahn, col. 14, lns. 20-67, Applicant again respectfully submits that the use of "stored procedures" is irrelevant to Applicant's claimed subject matter. With respect to Kahn, col. 31, lns. 1-13, Applicant submits that displaying an employee's annual paid-time-off accrual rate based on a number of months an employee has been employed is irrelevant to Applicant's claimed subject matter. Further with respect to Kahn, col. 5, lns. 57-67, the fact that customer reports may be generated and transferred automatically to an appropriate party is irrelevant to Applicant's claimed subject matter, which is directed to compiling a report that includes associated employee data for employees that have the at least one desired employee attribute.

With respect to Applicant's claims 3, 10 and 17, as above, Kahn, col. 14, lns. 20-67, merely discloses "stored procedures," which allow rules and calculations to be modified by adding or deleting steps within a data table without manually modifying associated SQL statements. This does not teach associating a query with a specific subscriber, storing the query and providing an updated report when the specific subscriber selects the stored query, such that

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the specific subscriber is not required to again enter the at least one desired employee attribute associated with the stored query. In sum, as above, Kahn, col. 14, lns. 20-67, discloses a "stored procedure" that is employer specific and is utilized to calculate a specific employee's overtime based upon a specific way in which the employer calculates an employee's overtime.

With respect to the rejections of claims 4, 11 and 18, Applicant agrees that Kahn, col. 22, lns. 12-14, discloses that industry-standard job classifications can be used to create salary surveys across different employers. However, this salary survey is not provided based upon the at least one desired employee attribute, as is now defined in Applicant's claims.

With respect to claims 5, 12 and 19, Applicant's Specification states that a scope measure is utilized to further limit a query and may include information, such as profit/non-profit, industry, company size, revenue and geographic location, in addition to the at least one desired employee attribute. These scope measures can be utilized to further limit the information included within a report, i.e., associated employee data for employees that have the at least one desired employee attribute. Further, Applicant respectfully submits that this scope measure is not directed to a specific individual employee but rather to a group of employees that meet the scope measure.

With respect to claims 6, 13 and 20, Applicant respectfully submits that a report that includes payments per employee does not teach providing a report that includes the at least one desired employee attribute that was used to compile the report. In addition, Applicant respectfully submits that claims 2-7, 9-14 and 16-21 are dependent upon allowable claims and, as such, are also allowable. Further, Applicant respectfully submits that Kahn does not anticipate or render obvious, either alone or in combination with Nguyen, Applicant's claimed subject matter as is discussed above.

Applicant respectfully submits that this reply is fully responsive to the above-referenced Office Action. With the foregoing discussion, Applicant has fully demonstrated that the claims are not anticipated by Kahn, nor are they obvious in view of the combination of Kahn and Nguyen.

No new matter has been added with the amendments to the claims. Attached hereto is a marked-up version of the changes made to the title and claims by the current amendment. The

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first page of the marked-up version is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE," with added text underlined and deleted text in [brackets].
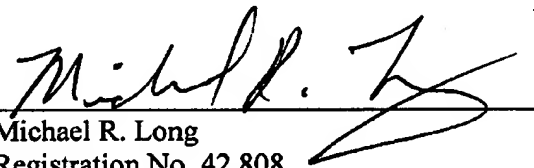
CONCLUSION

For all of the foregoing reasons, Applicant respectfully submits that claims 1-21 are allowable. If the Examiner has any questions or comments with respect to this reply, the Examiner is invited to contact the undersigned at 616-949-9610.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 1, 8 and 15 have been amended as follows:

1. (Amended) A method that facilitates automated comparison of employee data between a plurality of subscribers, comprising the steps of:

maintaining a database of subscriber data that is provided by a plurality of subscribers, the subscriber data including employee data for a plurality of employees, wherein the employee data is correlated to a plurality of employee attributes, and wherein the plurality of employee attributes includes at least one of an employee skill and an employee responsibility and the plurality of subscribers includes at least two subscribers from non-related companies;

receiving a query from a specific subscriber, the query including at least one desired employee attribute; and

compiling a report from the database in response to the query, the report providing associated employee data for employees that have the at least one desired employee attribute.

8. (Amended) A computer system that facilitates automated comparison of employee data between a plurality of subscribers, comprising:

a processor;

a memory subsystem for storing data and information coupled to the processor; and

processor executable code located within the memory subsystem for causing the processor to perform the steps of:

maintaining a database of subscriber data that is provided by a plurality of subscribers, the subscriber data including employee data for a plurality of employees, wherein the employee data is correlated to a plurality of employee attributes, and wherein the plurality of employee attributes includes at least one of an employee skill and an employee responsibility and the plurality of subscribers includes at least two subscribers from non-related companies;

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receiving a query from a specific subscriber, the query including at least one desired employee attribute; and

compiling a report from the database in response to the query, the report providing associated employee data for employees that have the at least one desired employee attribute.

15. (Amended) A human resource information system that facilitates automated comparison of employee compensation data between a plurality of subscribers, comprising:

a processor;

a memory subsystem for storing data and information coupled to the processor; and

processor executable code located within the memory subsystem for causing the processor to perform the steps of:

maintaining a database of subscriber data that is provided by a plurality of subscribers, the subscriber data including employee compensation data for a plurality of employees, wherein the employee compensation data is correlated to a plurality of employee attributes, and wherein the plurality of employee attributes includes at least one of an employee skill and an employee responsibility and the plurality of subscribers includes at least two subscribers from non-related companies;

receiving a query from a specific subscriber, the query including at least one desired employee attribute and at least one scope measure; and

compiling a report from the database in response to the query, the report providing associated employee compensation data for employees that have the at least one desired employee attribute.